

## **Town of Colonial Beach Planning Commission Minutes**

Date: June 6<sup>th</sup>, 2013 – Town Center, 22 Washington Avenue  
Time: 5:30 p.m.

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Present: Maureen Holt, Chairwoman  
Robin Schick  
Kent Rodenheaver  
Ed Grant  
David Coombes

Absent: None

Staff: Director of Planning and Community Development, Gary Mitchell  
Planning Manager, Brendan McHugh

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### **Item 1: Call to Order**

Chairwoman Holt called the meeting to order at 5:30 p.m. All members were present.

### **Item 2: Nomination and elect a Vice Chairperson**

Chairwoman Holt requested a motion to elect a new Vice Chairperson due to the retirement of former Vice Chairwoman Desiree Urquhart.

Chairwoman Holt called for a volunteer for the position.

Member Schick asked what the position entails.

Chairwoman Holt explained that the position entails replacing the Chairperson in the event of absence and in some cases reading motions.

Members Coombes, Grant, and Rodenheaver negated the position.

Member Schick volunteered for the Vice Chairwoman position.

Chairwoman Holt called for a voice vote; it was unanimously resolved:

That Member Schick will replace Desiree Urquhart as the new Vice Chairperson.

### **Item 3: Approval of minutes of the February and May 2013 meetings**

Chairwoman Holt asked for a motion to approve the minutes from the February 7<sup>th</sup>, 2013 and May 2<sup>nd</sup>, 2013 regular meetings. Member Coombes made the motion to approve the minutes. Member Grant seconded the motion.

Chairwoman Holt called for a voice vote; it was unanimously resolved:

That the minutes of the February 7<sup>th</sup>, 2013 and May 2<sup>nd</sup>, 2013 regular meetings be approved.

**Item 4: Introduction of new staff**

Chairwoman Holt asked Mr. Mitchell to introduce the new staff member.

Mr. Mitchell introduced new staff member Brendan McHugh and explained how Mr. McHugh will be replacing Josh Fredrick as the new Planning Manager.

Mr. Mitchell explained how Mr. McHugh is from Richmond and will be commuting to Colonial Beach for work.

Mr. McHugh explained that he worked as a volunteer intern with the City of Richmond Planning and Preservation Division.

Chairwoman Holt asked if there are any public comments on any Planning Commission matters that are not on the agenda.

There was no public comment.

**Item 5: Staff presentation of revisions to the Commercial Residential Zoning District**

Mr. Mitchell explained the attached staff report:

PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT	
<b>PROJECT NAME: Ordinance Amendment</b>	<b>Planning Commission Meeting Date: 6-6-13</b>
<b>Case Number: ZOA-02-2013/Ordinance 640</b>	<b>Applicant: Town</b>
<b>Project Status:</b> <input type="checkbox"/> Preliminary Sketch Rezoning Application <input type="checkbox"/> <input type="checkbox"/> Preliminary Plat Conditional Use <input type="checkbox"/> <input type="checkbox"/> Preliminary Final Plat Concept Plans <input type="checkbox"/> <input type="checkbox"/> Final Plat Amendment <input checked="" type="checkbox"/> Text <input type="checkbox"/> Vacation	<b>Owner: NA</b>
	<b>Location: NA</b>
	<b>Voting District: NA</b>
	<b>Parcel Number: NA</b>
	<b>Total Site Area: NA</b>
	<b>Site Area Developed: NA</b>

<b>Existing Structures: NA</b>	<b>CBPA: NA</b>	
<b>Flood Hazard: NA</b>	<b>Additional Site Data: NA</b>	
<b>Current Zoning: NA</b>		
<b>Action Request: Approval as presented</b>		
	<b>Staff: G. Mitchell</b>	<b>Date: 5-29-2013</b>

**Prior Actions / Case History**

**BACKGROUND:**

As the Commission is aware for the past year and a half we have been reviewing and updating

<b>Rezoning: NA</b>
<b>Conditional Use Permit: NA</b>
<b>Variations: NA</b>
<b>Subdivisions: NA</b>
<b>Other Data: NA</b>

one section of the zoning ordinance at a time. The next section to review is the Commercial Residential (CR) district.

**DISCUSSION:**

Currently the CR district has an alternator repair service, car restoration service/museum, single family dwellings, professional offices, restaurants, personal service establishments, and a couple of retail shops. In order to address these multitude of existing uses staff looked at these uses and attempted to come up with the list of principal uses that would include the existing types of uses as well as other similar uses.

Like the other sections we have utilized a table to show the specifications for bulk and area regulations and eliminated excess text. Additionally, the Statement of Intent is only modified slightly by adding the last sentence addressing the floor area ratio. This same wording already exists in Article 3 where this and other zoning districts are summarized and/or described.

Also, like the other districts accessory uses are broken out into a separate section since such uses can only occur if the principal use is established first. A new use which was missing is a fitness center or gym. A definition accompanies this new use. Home occupations are added to this district along with multi-family dwellings, personal service establishments, public facilities, retail operations not exceeding 12,000 square feet. Staff also added farmer market/wayside stands and included canoe and kayak rental establishments. Many of these additional uses are light commercial uses that would be compatible with residential uses.

The Conditional Use section has been modified as well. One important change from staff's prospective was to move *Rooming Houses* from by-right use to a conditional use. Staff also changed a commercial parking lot/garage changed from a by-right to a conditional use.

**CONCLUSION:**

Staff believes that by adding these provisions it promotes public health and safety and streamlines the zoning requirements for this district. After the Planning Commission considers these changes and provides staff with any particular additional changes that we should hold a public hearing July to receive public input. Then based on the public hearing the Commission can make further changes (if desired) and forward to the Town Council.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission authorizes advertisement of this zoning text amendment for the July Planning Commission meeting.

Member Rodenheaver explained his concern with First Street's inclusion in the Commercial Residential District. He believed it did not fit in the district.

Member Coombes then explained past issues with the Commercial Residential District. He explained that in the past many businesses would not move in unless they could live above the business.

Member Rodenheaver still believed that the Commercial Residential District was not consistent with planning.

Member Schick then explained her opinion of the advantages of the Commercial Residential District including how it is a good way to encourage business and how it's a gradient between the Commercial District and the Residential District, which Member Rodenheaver then explained his belief that the uses should be separate.

Mr. Mitchell then explained that there is no rezoning taking place but just an adjustment in uses and wording to an already existing zone.

Member Coombes then asked why Government Offices were taken out of the uses of the Commercial Residential District.

Mr. Mitchell then explained that the ordinance listed Public Facilities which includes Government Offices.

Member Coombes then expressed his concern with listing Adult Bookstores and striking out Bookstores.

Mr. Mitchell then explained how it would be better to list Adult Bookstores as a conditional use and not a by-right use.

Member Coombes then explained how there were past issues with listing Adult Bookstore and then explained how he is opposed to the idea.

Member Schick then expressed her thoughts on how she believes that the word "bookstore" is too narrow and that it should be changed to "Adult Targeted Retail".

Member Coombes was opposed to addressing it completely because it can become a conditional use.

Member Schick explained that if it is left out completely, it can become a regular retail establishment.

The Commission members then discussed the semantics that could be used to best identify the adult content issue.

Member Schick then explained that there are adult oriented stores that are not “trashy”, that could be listed under conditional use that may be good for the community.

Member Coombes then explained that he is not opposed to leaving it under conditional use as long as it keeps “undesirable” business out of the community.

Member Rodenheaver then asks Mr. Mitchell if there is a way that a sexually oriented establishment that is not listed in the ordinance could be allowed in Colonial Beach.

Mr. Mitchell then explained how it is determined by the structure of the ordinance. He then explained how another locality had that problem and fixed it by creating an Adult Overlay District which was so specific that the adult store could only exist in that one area. He then explained that the Adult Business is listed under conditional use, the community could still deny the business.

The Commission then confirmed that they would like Mr. Mitchell to amend the Adult Bookstore section.

Member Coombes then asked why Mr. Mitchell struck out Medical Clinics from the ordinance.

Mr. Mitchell then explains that it is covered under Offices.

Member Coombes then explained how it is more than just an office because it delivers a personal service.

Member Schick then explained that it’s a permitted use.

Member Coombes then explained that the wording is wrong in the impervious surface section. The wording lists the impervious surface as “a minimum coverage of 36%”. The correct wording should be, “a maximum coverage of 36%”. Mr. Mitchell then confirms that Member Coombes is correct.

Member Schick expressed her opinion that Daycare Center should be a conditional use because Adult Daycare is listed as conditional use.

Chairwoman Holt then presented the idea that the ordinance phrasing change to have Adult and Child Daycare listed under Daycare.

Mr. Mitchell and the Commission agreed.

Member Schick suggested that Fitness Center and Gym should be listed under Personal Service.

Mr. Mitchell and the Commission agreed.

Member Schick then recommended that Golf Cart, Canoe, Kayak and Moped Rental should be listed under Recreational or Outdoor Equipment Rental to give businesses the chance to be more creative. She also

suggested that Government Offices, Libraries and Public Facilities should be listed under Government Facilities.

Mr. Mitchell and the Commission agreed on both recommendations.

Member Schick then expressed that Rooming Houses should not be permitted.

Chairwoman Holt then reminded Member Schick that if the Rooming Houses are under conditional use, they could be approved or denied.

Member Schick then expressed her concerns that a Bed and Breakfast or a Hotel could become a Rooming House. She then recommended giving Mr. Mitchell more authority to prevent this from happening.

The Commission and Mr. Mitchell agreed to leave the wording.

Chairwoman Holt expressed her belief that Medical Clinics and Nursing Homes are similar uses.

The Commission and Mr. Mitchell discussed the differences and similarities of Assisted Living Facilities and Nursing Homes.

Mr. Mitchell then suggested that they list the uses as one under Assisted Living Facilities/Nursing Homes.

The Commission agreed.

Member Coombes expressed that he believed that anything Medical should be left in the ordinance. He believes that a Medical Clinic and is more than just a physician's office. He explained that a physician needs more than an office to deliver care. Member Schick then suggested that Veterinary and Medical facilities have a listing for a conditional use under Offices.

Mr. Mitchell and the Commission agreed.

Member Schick then expressed her concerns that the sign setback be changed from five feet to two feet. She also suggested that the type of fencing change to include metal but exclude barb wire and razor.

Mr. Mitchell and the Commission agreed.

Member Schick then asked Mr. Mitchell if there was a place in the ordinance that could reference inoperable vehicles and junk.

Chairwoman Holt then suggested listing it under Resort Commercial District under Development Standards.

Mr. Mitchell and The Commission agreed.

Chairwoman Holt then asked if anyone else had any concerns regarding the Commercial Residential District.

There was no comment.

Chairwoman Holt then asked if she has a motion to advertise the revisions of the Commercial Residential Zoning District in July.

The motion was made by Member Schick and seconded by Member Coombes.

Chairwoman Holt then called for a voice vote; it was unanimously resolved:

That the revisions of the Commercial Residential Zoning District be advertised on July 11, 2013.

Mr. Mitchell then reminded the Commission that The Planning Commission meeting will be meeting the same day as The Town Council meeting. The Planning Commission meeting will be held at 5:30 p.m. while the Town Council meeting will be held at 7:00 p.m.; both on July 11, 2013.

**Item 8: Adjournment**

There was no further business. The meeting was adjourned at 6:15 p.m.

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Chairperson, Colonial Beach Planning Commission